

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/HU2004/000019	International filing date (day/month/year) 27.02.2004	Priority date (day/month/year) 24.06.2003	
International Patent Classification (IPC) or both national classification and IPC G02B21/34, G01N35/00			
Applicant 3DHISTECH KFT.			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application



2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p> <div style="text-align: center;">  </div> <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p>	<p>Authorized Officer</p> <p style="text-align: center;">Casse, M</p> <p>Telephone No. +49 89 2399-2769</p> <div style="text-align: right;">  </div>
--	---

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/HU2004/000019

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/HU2004/000019

Box No. II Priority

1. ☒ The following document has not been furnished:

El copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-4801431
D2: US-A-4248498
D3: WO96/12170
D4: WO03/038504
D5: US-A-4801431

- 1.) The document **D1** is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document) in figures 3 to 6 a slide feeding unit comprising:

a magazine for receiving slides including a partly open base plate 52, two end walls 48,50, side walls 44,46 with a toothed rack 58 secured externally to one of the side walls and being parallel to the base plate, an open top side 54, slide guiding elements 56 oriented perpendicularly to the open side;

a magazine moving mechanism comprising a through 32 for receiving the magazine in fitting relationship said through having at least one side plate with an opening 33, feeding gears 57,29 adapted to mesh with the toothed rack for advancing the magazine;

a slide feeding device traversing the through 32 and comprising a robot arm 22 displaceable perpendicularly to said direction of advance of the magazine for removing a slide from the magazine and drive means 36 for moving the robot arm.

The subject-matter of claim 1 differs mainly from this known slide feeding apparatus in that the magazines are open on one side for extracting the slides

laterally, in the configuration of the through and in that the mechanism comprises rotatable lifting gears in the through for lifting the slide magazines.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

- 2.) The problem to be solved by the present invention may be regarded as providing a slide feeder of the type described in D1 where multiple magazines can be simply stacked into the device.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) since the suggested configuration allows to simply stack multiple slide magazines in the microscope feeding unit where the horizontal arrangement and cassette lifting mechanism allows to switch the cassettes in the feeding through whereas D1 only foresees the use of multiple cassettes (figures 6 and 7) assembled or interlocked together into a single one.

- 3.) The other documents of the search report show more remote slide feeding devices with individual features of the subject-matter of claim 1 without however any hints towards the solution proposed:

D2 and D4 show a similar device to D1 with a worn gear shaft moving a magazine without a toothed rack.

D3 shows details of a slide gripping mechanism.

D5 shows a top loading slide magazine.

- 4.) Claims 2 to 10 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.